IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2169 OF 2004

IN

SUIT NO.2847 OF 2003

...

Jaikishan P. Lalwani ...Plaintiff

v/s.

M/s.Rich Colour Lab & anr. ...Defendants

And

1.Mrs.Harsha Arjan Bhatia

and ors. ...Respondents

...

Mr.Vaishnawa i/b N.N. Vaishnawa & Co. for the Plaintiff.

Mr.R.T.Parekh for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 25TH AUGUST,2005

P.C.:

. By this notice of motion the Plaintiff seeks decree on admission against the Defendants. The alleged admissions on the basis of which the decree is sought are disclosure made in the income-tax returns for the year ending 31-3-2001. The suit has been filed on 2-9-2003. Obviously, even if the admissions in the income-tax returns can be treated as admission, it is made much prior to the institution of the suit and not during the pendency of the suit. An admission on the basis of which the decree can be passed under Order 12 Rule 6 can be admission of liability at the time when the suit is instituted. In any case the alleged admissions relied on cannot be termed as clear and unequivocal admission, so that the court can pass a decree against the Defendant without trial. In this view of the matter, therefore, motion is disposed of.

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